

**UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF CALIFORNIA**

LAMAR BROOKS,

Plaintiff,

v.

ARRIZOLA, et al.,

Defendants.

Case No. 1:20-cv-0476 JLT GSA (PC)

**ORDER ADOPTING FINDINGS AND
RECOMMENDATIONS, DISMISSING THE
ACTION WITHOUT PREJUDICE, AND
DIRECTING THE CLERK OF COURT TO
CLOSE THIS CASE**

(Doc. 9)

Lamar Brooks initiated this action as a state prisoner proceeding *pro se* by filing a civil rights complaint under 42 U.S.C. §1983. (Doc. 1.) Defendant Arrizola filed a motion for summary judgment, after which the Court ordered Plaintiff to file an opposition or statement of non-opposition within 30 days. (Doc. 37.) However, the Court's mail was returned as undeliverable.

The magistrate judge determined Plaintiff failed to comply with the Court's order dated September 16, 2022. (Doc. 40.) Therefore, the magistrate judge recommended the action be dismissed without prejudice. (*Id.* at 2-3.) The Findings and Recommendations were served on all parties, including Plaintiff at his only address known to the Court, on October 27, 2022. The Findings and Recommendations also contained a notice that any objections were to be filed within 14 days of the date of service. (*Id.* at 3.) To date, no objections have been filed and the time to do so has expired.

1 In accordance with 28 U.S.C. § 636(b)(1)(C), the Court conducted a *de novo* review of this
2 case. Having carefully reviewed the entire matter, the Court concludes the Findings and
3 Recommendations are supported by the record and by proper analysis. Moreover, Plaintiff failed
4 to comply with this Court's Local Rules, which require him to keep the Court apprised of a current
5 mailing address, as it has been more than 63 days since the Court's mail was first returned on
6 October 24, 2022. *See* Local Rule 183(b). Because no change of address has been provided,
7 dismissal is also appropriate due to Plaintiff's failure to prosecute and failure to comply with the
8 Local Rules. *See Henderson v. Duncan*, 779 F.2d 1421, 1424 (9th Cir. 1986) (dismissal for failure
9 to prosecute and to comply with local rules).

10 Accordingly, the Court **ORDERS**:

- 11 1. The Findings and Recommendations issued on October 27, 2022 (Doc. 40) are
12 adopted in full.
- 13 2. The action is **DISMISSED** without prejudice.
- 14 3. Defendant's motion for summary judgment (Doc. 36) is terminated as **MOOT**.
- 15 4. The Clerk of Court is directed to close this case.

16
17 IT IS SO ORDERED.

18 Dated: **December 27, 2022**


UNITED STATES DISTRICT JUDGE